

AMENDED IN SENATE APRIL 10, 2003

SENATE BILL

No. 739

Introduced by Senator Ducheny

February 21, 2003

An act to add Section 10553.3 to the Welfare and Institutions Code, relating to tribal health.

LEGISLATIVE COUNSEL'S DIGEST

SB 739, as amended, Ducheny. Children's services: Indian tribes.

Existing law requires each county to provide child welfare services. Existing law also requires each county to provide payments on behalf of eligible children in foster care pursuant to the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program. Both the provision of child welfare services programs and the AFDC-FC program are subject to regulations adopted by the State Department of Social Services.

Existing law authorizes the Director of Social Services, in accordance with federal law, to enter into agreements with Indian tribes to delegate to the Indian tribe county responsibilities for either or both the provision of child welfare services and the provision of payments pursuant to the AFDC-FC program.

~~This bill would permit the director to establish a 5-year pilot project by entering into agreements with an Indian tribe for provision of either or both child welfare services or AFDC-FC payments to Indian children, as defined.~~

This bill would authorize the director to enter into agreements with Indian tribes, pursuant to existing law, to provide child welfare services, assistance payments under the AFDC-FC program, or both, to Indian children, as defined, within tribal communities, and would authorize the

director to receive federal and state financial reimbursement for those activities.

This bill would require child welfare services allocation methodologies for these contracts to be developed in consultation with, and agreed to by, the department, the affected counties, and the affected Indian tribe.

This bill would also provide that implementation of agreements pursuant to its provisions that would delegate to a county responsibility for child welfare services or assistance payments shall not be construed to impose liability on, or to require indemnification by, the participating county or the state for any act performed by an officer of the participating tribe.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1.—Section 10553.3 is added to the Welfare and~~
2 SECTION 1. *It is the intent of the Legislature to enact*
3 *legislation to establish a five-year project to determine the*
4 *feasibility of allowing tribal communities to provide child welfare*
5 *services to a broad population of Indian children within tribal*
6 *communities.*
7 SEC. 2. *Section 10553.3 is added to the Welfare and*
8 *Institutions Code, to read:*
9 10553.3. (a) *Notwithstanding any other provision of law, the*
10 *director may enter into agreements with Indian tribes, pursuant to*
11 *Section 10553.1, to provide child welfare services, assistance*
12 *payments under the AFDC-FC program, or both, to Indian*
13 *children within tribal communities, and may receive federal and*
14 *state financial reimbursement for those activities.*
15 (b) *For purposes of this section, “Indian” shall have the same*
16 *meaning as defined in Section 1603(c) or 1679(b) of Title 25 of the*
17 *United States Code.*
18 (c) *An agreement entered into pursuant to this section shall be*
19 *governed by Section 10553.2, as added by Section 5 of Chapter*
20 *724 of the Statutes of 1995, and as subsequently amended.*
21 *Approval of the child welfare services allocation methodology*
22 *required pursuant to Section 10553.2 shall be based on a clear*

1 *delineation of the respective responsibilities of the tribe and the*
2 *affected counties.*

3 *(d) Implementation of agreements pursuant to this section that*
4 *would delegate to a county responsibility for child welfare services*
5 *or assistance payments shall not be construed to impose liability*
6 *on, or to require indemnification by, the participating county or the*
7 *state for any act performed by an officer of the participating tribe.*
8 ~~Institutions Code, to read:~~

9 ~~10553.3. (a) Notwithstanding any other provision of law, the~~
10 ~~director may establish a five-year pilot project to allow tribal~~
11 ~~communities to more effectively serve children and families~~
12 ~~residing within tribal borders within the state, by entering into~~
13 ~~agreements pursuant to Section 10553.1 with an Indian tribe to~~
14 ~~provide federal and state financial reimbursement for the tribe's~~
15 ~~provision of child welfare services provided to Indian children.~~

16 ~~(b) It is the purpose of this pilot project, if established, to test~~
17 ~~the feasibility of allowing tribal communities to do the following:~~

18 ~~(1) Blend funding streams to facilitate integrated services to~~
19 ~~children and families living on tribal lands.~~

20 ~~(2) Increase the efficiency of administering child welfare~~
21 ~~services on tribal land.~~

22 ~~(3) Obtain reimbursement for appropriate child welfare~~
23 ~~services provided to children and families living on tribal land.~~

24 ~~(c) The target population of this pilot project shall include all~~
25 ~~Indian children, as defined in accordance with Sections 1603(c)~~
26 ~~and 1679(b) of Chapter 18 of Title 25 of the United States Code,~~
27 ~~residing on tribal land of a tribe within the state.~~

28 ~~(d) An Indian tribe may enter into an agreement pursuant to~~
29 ~~Section 10553.1 to provide child welfare services or assistance~~
30 ~~payments under the AFDC-FC program, or both, to the target~~
31 ~~population of children as defined for the purpose of this pilot~~
32 ~~project, and receive state and federal financial reimbursement for~~
33 ~~those services.~~